

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ROBERT HILL,

11 Plaintiff,

v.

12 KATE MARTIN,

13 Defendant.

CASE NO. C17-5586 RBL

ORDER DENYING MOTION TO
RECUSE

14 THIS MATTER is before the Court on Plaintiff Hill's Motion to Recuse [Dkt. #18]. Hill
15 claims that he tried to call the Court staff from prison to talk about his inability to meet various
16 deadlines, but they would not accept his calls:

17 S. Ultimately, Nelson blocked my calls. He did not
18 accept my previous calls. I have also tried the
19 Clerk's number, "253 + 882 + 7474." They have also blocked
20 my calls for assistance, after being advised by Leighton
21 and/or Nelson.

22 I sent a letter memorandum asking why this
23 was done by them. I have received no reply.

1 A federal judge should recuse himself if “a reasonable person with knowledge of all the
2 facts would conclude that the judge’s impartiality might reasonably be questioned.” 28 U.S.C.
3 §144; 28 U.S.C. § 455; *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir.1993). This is
4 an objective inquiry concerned with whether there is the appearance of bias, not whether there is
5 bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.1992); *United States v.*
6 *Conforte*, 624 F.2d 869, 881 (9th Cir.1980). In the absence of specific allegations of personal
7 bias, prejudice, or interest, neither prior adverse rulings of a judge nor his participation in a
8 related or prior proceeding is sufficient” to establish bias. *Davis v. Fendler*, 650 F.2d 1154, 1163
9 (9th Cir. 1981); *see also Liteky v. United States*, 510 U.S. 540, 555 (1994) (“judicial rulings
10 alone almost never constitute valid basis for a bias or partiality motion.”).

11 Under the Local Rules of this District, a motion for recusal is addressed first to the
12 presiding judge, and if the judge does not recuse voluntarily, the matter is referred to the chief
13 judge for review. *See LCR 3(e)*. This Court therefore considers Hill’s Motion in the first
14 instance.

15 Hill has not even tried to claim that the judge is biased against him; he makes a half-
16 hearted (but entirely false) claim that the Judge ordered staff to block Hill’s calls. There is no
17 showing that would lead any reasonable question whether the Court was prejudiced against Hill.

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1 This Court will not recuse itself voluntarily, and **REFERS** this matter to Chief Judge Martinez
2 under LCR 3(e). Any pending motions will be addressed following the resolution of this motion.

3 IT IS SO ORDERED.

4 Dated this 27th day of April, 2018.

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7 Ronald B. Leighton
8 United States District Judge
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